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UNCLAS SECTION 01 OF 04 COLOMBO 000499

SIPDIS

STATE FOR SA/INS, INL/AE, EB/IPC:AREIAS
PASS TO AID/ANE:BBUNDY
DEPT PASS TO USTR:AWILLS
COMMERCE FOR ITA:ABENAISSA, JBOGER
TREASURY FOR SRI LANKA DESK:RADKINS

E.O. 12958: N/A

TAGS: [ECON](#) [ETRD](#) [KIPR](#) [CE](#) [WTO](#) [USTR](#)

SUBJECT: INTELLECTUAL PROPERTY TRAINING IN SRI LANKA

REF: A)STATE 42796, B) COLOMBO 29

1. Summary: Sri Lanka is an ideal candidate for IP training assistance, as the public and private sectors are working together to develop an implementation plan for its new, strong IPR law. The law was passed in Nov. 2003, and the GSL requested assistance with enforcement. Econoff chairs a private sector IPR Working Group that meets with the government monthly to support and encourage progress. Much has been accomplished (see ref B), but information is needed to guide next steps, and resources are needed to build capacity in all stakeholders. End summary.

2. Answers are keyed to ref A.

A.1. Post has conducted and/or coordinated the following training sessions:

-- Feb 23-25, 2004: Post, IFPI and Microsoft BSA (Business Software Alliance) conducted three sessions on identifying and investigating counterfeit cases for GSL Police and Customs.

-- Jan. 27, 2004: Post and US Customs Officers from New Delhi provided training for GSL Customs on counterfeit targeting and identification.

-- December 2003: IFPI representative passed to the head of the Police Criminal Investigation Division a manual on how to conduct investigations in counterfeit cases

-- November 2001: IFPI conducted seminars on anti-piracy/IPR protection for GSL Customs and CID officers.

-- 2001: An IESC consultant from Georgetown University volunteered with the National Intellectual Property Office and conducted awareness building workshops and training with many stakeholders, including judges and lawyers, musicians, ayurvedic (local herbal remedies) practitioners.

A.2. Other training:

-- November and December, 2003: The Director of the GSL Intellectual Property Office (IPO) conducted four seminars on the new IPR Law for the public, and two for Customs and Police.

-- As noted above, IFPI and BSA Microsoft are active in training. The Embassy-chaired private sector IPR Working Group includes Energizer, IBM, Microsoft, 3M, P&G, Hallmark, Sony, BMG music representatives and others. This group has plans for future seminars, public awareness campaigns and support for GSL efforts.

B.1. Effectiveness of training:

The most effective training so far has been the hands-on practical training that helps the police and customs agents with the identification of pirated goods.

B.2. Lessons learned include:

-- hosting groups in country, but away from their normal working environment, and in a comfortable, modern setting works best;

-- not mixing the groups right away, until they are comfortable enough with the law and their responsibilities (mixed Customs and Police groups were not as interactive);

-- keeping the size right - large enough to interact, but not so many that there is no feedback;

-- case studies show knowledge gaps;

-- the style of education here is learning by rote, so interaction and feedback are unusual, but once

started, enhance the training immensely - the trainers' rapport and credibility are important;

-- English language can be a problem with the police;

-- different audiences require different training styles;

-- trainers from the region are more easily understood and accepted.

B.3. Other strategies are included below:

-- The Embassy/private sector Working Group meets monthly with the GSL: IPO, Attorney General, Consumer Affairs, Police and Customs, so all parties are aware of each others' roles, and coordinating and communication mechanisms are discussed. This group meets monthly with the Minister of Commerce and Consumer Affairs, maintaining high level attention and support for GSL participants.

-- High-level USG visitors who raised this issue with GSL officials were extremely helpful in getting the GSL to focus on the importance of IPR protection. It was a topic in all TIFA rounds.

-- Pressure from the Embassy and visitors was the key to getting the legislation passed and signed, even when Parliament was suspended.

-- The IPR Working Group made simple requests of the government immediately upon the passage of the law, to which the GSL agreed. These included: tendering for software with all computer hardware procurements; not accepting advertising for pirated goods in government newspapers; not showing pirated movies on the government TV channel; not selling pirated CDs in the government retail outlets and placing notifications in the newspapers alerting the public to provision of the new law.

-- The Working Group has agreed to send a letter to CEOs of the top 100 companies, signed by the IPO Director, informing about the new law.

-- Three members of the Working Group have agreed to sponsor a seminar for these top CEOs to inform about the law. The IPO Director will lead the discussions, with high level GSL and Embassy support. Post hopes to get WIPO participation also.

-- WIPO is paying to translate a booklet on IPR for dissemination.

-- George Washington University and the Asia Pacific Law Institute, a US NGO, introduced an IPR Postgraduate Diploma program at the Sri Lanka Law College in 2001 (\$150,000). USAID through Technology Initiative for the Private Sector (TIPS) project provided all the technical assistance, including teleconference facilities, resource materials and computers. TA on Curriculum development was also provided. Already around 40 graduates have been trained and the third batch has already started. International IPR experts lecture there when possible.

-- Through the TIPS project, USAID funded the automation of the Patent Division and the Industrial Designs division of the National IPR office for \$70,000 in 2001.

-- Speaker and visitor programs have addressed this issue over the past 3 years, with varying effectiveness.

-- While the legislation was being drafted, the Motion Picture Association of America, a USAID-funded lawyer, and an IESC volunteer conducted reviews. Many of their comments were included.

C.1. and C.2. Needs/Requests

-- Since the IPR Law was just passed, the scope of current and future needs is not known. Embassy staff would benefit from training on best practices, and tools and techniques for public and private sector responsibilities and efforts in enforcement.

-- Also, since this is new ground for all involved, assistance would be much appreciated in all areas - speakers, materials, training, information, and maybe in the future, equipment. A model for implementation of a new strong IPR Law would be helpful to guide the Working Group and the GSL in these early efforts. Post would appreciate learning what USG, OECD, WTO or

other resources are available to address specific needs.

-- At the recent WTO Trade Policy Review session, GSL representatives specifically requested technical assistance for enforcement and for harmonization of its technical standards.

-- Since the GSL is starting from scratch with a new law, all responsible parties need training. Most counterfeit goods are imported, therefore Customs has been the focus of training so far. Post has requested a country specific IV program for lawyers and judges, but has not received a response.

-- As lawyers and judges are critical players, the Working Group has identified judicial training as an urgent need. USPTO had proposed a judicial training in 2003, which was not implemented. These two programs on IPR judicial enforcement would be very welcome.

-- Funds to help defray the cost of sending a Sri Lankan to the USPTO Visiting Scholars Program would make a large contribution to the enforcement efforts. Colombo USAID does not have such travel funds.

-- The Working Group, in response to a query by the Commerce Minister, is compiling a list of benefits and justifications for IPR Enforcement. Identification of articles and organizations that are sources for this information would be helpful.

-- An in-country seminar for key players with presentations/sessions by professionals with experience in implementation in other countries, especially in the South Asia region, would be very helpful.

-- Overseas (in the US or Asia region) training for key individuals in the AG's Office, Consumer Affairs, police and customs on techniques, responsibilities, investigations would also be beneficial.

-- The Working Group is grappling with the idea of a help desk or 24-hour response line for consumers and also a 24 hour mechanism for Customs to contact legitimate companies for help in identification of goods. Information about successful systems in other countries would be useful.

-- Supporting materials are needed by all players. Suggestions about appropriate, helpful subscriptions, books, and research materials would be appreciated, and help in funding these would be requested.

-- Funding to send officers to ILEA training on IPR enforcement would be welcome.

-- Funding for travel of GSL and Econoff to Jordan to meet with officials who have realized benefits from a strong IPR protection regime, to learn from them, show a positive example, and establish communication.

13. Post appreciates the opportunity to summarize its efforts, and request assistance at this critical time in the development of Sri Lanka's IPR implementation regime.

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